

LEGAL EDUCATION AND THE RULE OF LAW

INTRODUCTION

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Universities have long recognized the multiplicity of communities that they serve. Students traveled great distances to study law at Palermo or medicine at Bologna; Paris was a focus of civil and religious conflict for a continent; and the ancient universities of England and Scotland educated the builders of an empire. Today, the great American urban universities have close and important regional ties, but they draw a large fraction of their students from the country as a whole and are truly world centers of learning as is well evidenced by some eight hundred students from foreign lands here on our own campus. Universities are ecumenical in a sectarian sense as the Greeks referred to *oikumene* as the whole of the inhabited world, and their interpretation of their missions is as broad as their demesnes, concerning themselves as they do with all areas of learning and of its impartation, advancement, and application.

The great modern law school is at home in the matrix that a university provides. The webs of law and custom delineate the pattern of relationships among men in a society, their rights, their duties, their privileges, and their obligations, as well as the rules governing their tenuous hold on the various animate and inanimate objects that they call their property. In a primitive, authoritarian, or slowly evolving society, the pattern is one of great rigidity. The book of Daniel refers to the edict of Darius which was to be "according to the law of the Medes and the Persians which altereth not." In a modern, democratic society, pressed to rapid accommodation with a burgeoning technology, this pattern is subject to great stresses which, though resisted by man's innate conservatism which constantly mans the ramparts of the past, inevitably contort its contours in our efforts to conform established precedent to changing circumstances.

Men's motives, their attitudes toward one another, and their reactions to sanctions and constraints alter imperceptibly, if at all, and the humanistic disciplines of literature and history which have always been central in universities are timeless in their applicability to the law.

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But the conditions under which men live and work and play are also sensitive to the mastery over environment that science and technology provide, and these subjects have also become major university concerns in recent generations. The flexible utility of power, rapid transit, and facile communication permit more populous governmental units, greater density of habitation, larger coalitions of individuals, and vastly greater potentialities of every sort for the citizens of a modern state. The law cannot but feel that it is being hustled along at an unseemly pace to meet the accelerating technical revolution through which we live domestically, and international law must be truly aghast at the circumstances that in a few brief years have presented the consequences of failure as mutual obliteration. The sciences and an understanding of the nature of their technologies must increasingly become a part of the background for the law.

Universities are the crossroads of ideas and the nurseries of ideological and technical innovation and hence fitting matrices for great law schools. Their mission is not only the inspiration to learn, but also the inculcation of the ambition to serve and the imposition of an intellectual discipline without which the best of intentions must be ineffective. The annual infusion of youth gives zest to the undertaking, and talented individuals make fine use of this opportunity to become leaders in the world as a whole and the law in particular. These individuals stimulate legislative assemblies to some measure of innovation, and in positions of legal and judicial leadership may take bold steps to mesh the law with the times. Such men as these have been great deans of law schools—of whom I have known and admired those at Pennsylvania—great advocates, and great judges such as those the University honors today.